

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK,

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EKMAN & CO. AB.,

Plaintiff,

Case No. 10 CV 8110 (JGK)

**ANSWER TO
U.S. BANK'S
COUNTERCLAIM**

GRAPHIC PAPER, INC.,

Defendant.

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GRAPHIC PAPER, INC.,

Interpleader Plaintiff,

-against-

EKMAN & CO. AB., and
U.S. BANK NATIONALASSOCIATION,

Interpleader Defendants.

-----X
Defendant Graphic Paper, Inc. ("Graphic Paper"), by its undersigned attorneys, as and for its answer to U.S. Bank National Association's counterclaim (the "counterclaim"), states as follows:

1. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 1 of the Counterclaim.

2. Graphic Paper admits the allegations contained in paragraph 2 of the Counterclaim.

3. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 3 of the Counterclaim.

4. Paragraph 4 contains a legal contention for which no response is necessary.

5. Paragraph 5 contains a legal contention for which no response is necessary. To the extent that any response is required, Graphic Paper denies that it has custody or possession of certain monies in excess of \$50,000, as it has already deposited the interpleader stake into the Court's registry.

6. Graphic Paper admits the allegations contained in paragraph 6 of the Counterclaim.

7. Graphic Paper admits the allegations contained in paragraph 7 of the Counterclaim.

8. Graphic Paper admits the allegations contained in paragraph 8 of the Counterclaim.

9. Graphic Paper admits the entry of a judgment as alleged in paragraph 9 of the Counterclaim, but states that the content and effect of the judgment speaks for itself.

10. Graphic Paper admits the entry of a judgment as alleged in paragraph 10 of the Counterclaim, but states that the content and effect of the judgment speaks for itself.

11. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 11 of the Counterclaim.

12. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 12 of the Counterclaim.

13. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 13 of the Counterclaim.

14. Graphic Paper admits the allegations contained in paragraph 14 of the Counterclaim.

15. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 15 of the Counterclaim.

16. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 16 of the Counterclaim.

17. Graphic Paper admits that it was served with a restraining notice on or about August 5, 2010, as alleged in paragraph 17 of the Counterclaim, but states that the content and effect of the restraining notice speaks for itself.

18. Graphic Paper admits that its counsel contacted U.S. Bank regarding the Funds, but denies the remainder of the allegations contained in paragraph 18 of the Counterclaim.

19. Graphic Paper admits the allegations contained in paragraph 19 of the Counterclaim.

20. Graphic Paper denies the allegations contained in paragraph 20 of the Counterclaim.

21. Graphic Paper admits the allegations contained in paragraph 21 of the Counterclaim.

22. Graphic Paper admits the allegations contained in paragraph 22 of the Counterclaim.

23. Graphic Paper admits the allegations contained in paragraph 23 of the Counterclaim.

24. Graphic Paper admits the allegations contained in paragraph 24 of the Counterclaim.

25. Graphic Paper admits the allegations contained in paragraph 25 of the Counterclaim.

COUNT I

Declaratory Judgment Pursuant to 28 U.S.C. §§ 2201, 2202, and Fed. R. Civ. P. 57 (Counterclaim Against Graphic Paper and Crossclaim Against Ekman)

26. Graphic Paper respectfully repeats and realleges its responses to paragraphs 1 through 25, set forth above.

27. Graphic Paper admits the entry of a judgment as alleged in paragraph 27 of the Counterclaim, but states that the content and effect of the judgment speaks for itself.

28. Graphic Paper admits that it was served with a restraining notice on or about August 5, 2010, as alleged in paragraph 28 of the Counterclaim, but states that the content and effect of the restraining notice speaks for itself.

29. Paragraph 29 contains a legal contention for which no response is necessary. To the extent that any response is required, Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 29 of the Counterclaim.

30. Graphic Paper denies knowledge or information sufficient to form a belief as to the allegations in paragraph 30 of the Counterclaim.

31. Graphic Paper admits that it was served with a restraining notice on or about August 5, 2010, as alleged in paragraph 31 of the Counterclaim, but states that the content and effect of the restraining notice speaks for itself.

32. Graphic Paper admits the allegations contained in paragraph 32 of the Counterclaim.

33. Graphic Paper denies the allegations contained in paragraph 33 of the Counterclaim.

AFFIRMATIVE DEFENSES

The Counterclaim fails to state a claim upon which relief can be granted.

Dated: Garden City, New York
February 4, 2011

Respectfully submitted,
ETTELMAN & HOCHHEISER, P.C.

By: _____/s/_____
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